

REMARKS

Claims 1-2 and 4-22 are pending in the present Application. Claims 1, 4-5, 9-10, and 17-19 have been amended, claims 6-8 have been canceled, and new claim 23 has been added, leaving claims 1-2, 4-5, and 9-22 for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Amendments

Claims 1 and 18 has been amended to define the polymeric anionic component as being derived from polyacrylic acid, poly(alkyl)acrylic acid, poly(maleic acid), poly(vinyl sulfonic acid), polyacrylate, or poly(alkyl)acrylate. Support for the amendments can be found in originally filed claim 6, and paragraphs 28 and 83 of the specification.

Claim 4 has been amended to have the polyacrylate or poly(alkyl)acrylate comprise carboxylate or sulfonate groups. Support can be found in paragraphs 28 and 29 of the specification as filed.

Claim 5 has been amended to clarify that the polymeric anionic component contains substitution on the polymer backbone. Support can be found in originally filed claim 6.

Claims 9 and 10 have been amended to provide proper dependency due to the cancellation of claim 7.

Claim 17 has been amended to contain additional polymeric anionic components. Support can be found in paragraphs 28 and 83 of the specification.

Final Office Action, Mailing date March 1, 2005

The Applicants filed an Amendment March 18, 2005 in response to a Final Office Action mailed March 1, 2005. The Amendment of March 18 was not entered by the Examiner (see Advisory Action mailed April 11, 2005). Accordingly, the Applicants wish to respond to the Final Office Action in view of the present amendment.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-2 and 4-22 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent No. 6,740,413 to Klun et al. ("Klun"). Applicants respectfully disagree.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Klun generally discloses an antistatic composition comprising (a) at least one polymeric salt consisting of (i) at least one polyoxyalkylene ammonium cation, and (ii) a fluorinated anion. (Abstract)

The Examiner has rejected claims 1-2 and 4-22 as allegedly anticipated by Klun because

as worded and amended, applicants' claim, when broadly interpreted, while remaining in scope with the specification, would still render the claim anticipated over the reference. Note the term "polymeric anionic component" may be interpreted in view of the specification, as a component used within a larger polymeric moiety and not the actual polymeric moiety itself.

(Office Action dated 03/01/05, page 2)

The Applicants have amended independent claims 1 and 17-18 to define the polymeric anionic component as being derived from polyacrylic acid, poly(alkyl)acrylic acid, poly(maleic acid), poly(vinyl sulfonic acid), polyacrylate, or poly(alkyl)acrylate to clearly define the anionic component as polymeric. Such a limitation is not taught or suggested by the Klun reference as none of the anions disclosed in Klun are polymeric.

Independent claim 19 is directed to a polymeric antistatic salt prepared by polymerizing ionic monomers, wherein the ionic monomer comprise reactive functionality and a salt moiety. The reactive functionality is an epoxy group, an acrylate group, an (alkyl)acrylate group, an allylic group, an acrylamide group, an (alkyl)acrylamide group, a crotyl group or a combination thereof. Klun does not teach or suggest a polymeric antistatic salt prepared according to the process required by claim 19.

Klun further does not teach or suggest the particular polymer according to independent claim 21. All other claims ultimately depend from independent claims 1, 17, 19 and 21. As Klun fails to teach or suggest a polymeric antistatic salt comprising a cationic component and an anionic component where the anionic component is polymeric, Klun fails to anticipate the claims. Accordingly, reconsideration and allowance of the claims are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

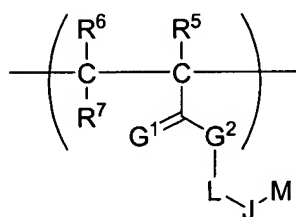
Claims 13 and 22 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Klun in view of U.S. Patent Application Publication No. 2003/0065071A1 to Scholten ("Scholten"). Applicants respectfully disagree.

Scholten generally discloses a thermoplastic composition comprising (A) 100 parts by weight of a thermoplastic polymer, such as polycarbonate or a blend thereof, (B) 0.0001-10 parts by weight of a sulfonic acid phosphonium salt as an antistatic agent, and (C) 0.01-1 parts by weight of a silicone oil based compound as an antistatic activity enhancer.

The sulfonic acid phosphonium salt includes such salts as tetraalkylphosphonium salts of dodecylsulfonic acid or dodecylbenzenesulfonic acid. (See [0016]-[0022]) None of the sulfonic acid phosphonium salts of Scholten contain a polymeric anionic component.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

As mentioned above, the Applicants have amended independent claim 1 to define the polymeric anionic component as being derived from polyacrylic acid, poly(alkyl)acrylic acid, poly(maleic acid), poly(vinyl sulfonic acid), polyacrylate, or poly(alkyl)acrylate to clearly define the anionic component as polymeric. Claim 13 ultimately depends from claim 1. Furthermore, claim 22 is directed to a polymeric anti-static salt, comprising repeating units according to the structure:



wherein J is a carboxylate or a sulfonate group pendent from the polymer backbone (i.e., a polymeric anionic component). Neither Klun nor Scholten teach or suggest either the polymeric salt of claim 22 or the polymeric anti-static salts derived from the particular polymers according to claim 1. Accordingly, the Applicants respectfully request reconsideration and allowance of claims 13 and 22.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130

Respectfully submitted,

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Date: May 11, 2005

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